

REMARKS

The Office Action dated November 25, 2003 has been reviewed and the Examiner's remarks carefully considered. New claim 18 is added. Thus, claims 1, 3, 5-11 and 14-18 are pending and submitted for reconsideration.

Prior Art Rejections

All of the claims are rejected over the prior art. All of the rejections are based, at least in part, on U.S. Patent No. 6,467,361 (Rainey). The rejections should be withdrawn because Rainey is not prior art. The earliest effective date for Rainey is March 20, 2001, the filing date of Rainey's parent application. The present application was filed on November 3, 2000. Thus, the claimed invention was filed before the effective date of Rainey. Reconsideration and withdrawal of the rejection is respectfully requested.

35 U.S.C. § 112 Rejections

All of the pending claims are rejected under 35 U.S.C. § 112, first paragraph because, according to the Examiner, the application fails to contain a written description of the claimed invention. In particular, the Patent Office contends that the specification does not describe that part of the "load applied to the seat is not measured by the load sensor." The rejection should be withdrawn because the application clearly includes a written description of the claimed invention. For example, the following portions of the application contain a description of the claim limitation relating to how only a portion of the load applied to the seat is measured by the load sensor: page 6, lines 12-23; page 7, lines 17-25; and page 8, lines 11-18. Thus, the application contains a description of the limitation reciting that part of the "load applied to the seat is not measured by the load sensor."

The claims are also rejected under 35 U.S.C. § 112, first paragraph because, according to the Examiner, the application fails to contain an enabling disclosure for the claimed invention. In particular, the Examiner contends that the specification does not "explain how the load sensor does not measure all of the load applied to the seat." The rejection should be withdrawn because the application specification clearly explains how a portion of the seat weight is supported by the seat structure is not measured by the load sensor. For example, the application provides the following explanation:

In the seat weight measuring apparatus 30 of the second embodiment, the seat weight is supported by four points of: the pivotally connected portions (blocks 24 and the vehicle body mounting brackets 31, 32) at the front and rear ends of the right seat rail 17R and the load sensors 25 at the front and rear ends of the left seat rail 17L. The load applied to the right seat rail 17R is absorbed by the pivotal movement of the right seat rail at the pivotally connected portion. On the other hand, the load applied to the left seat rail 17L is received by the load sensor 25. In this case, the load restraining mechanism 35 restrains the load such as the impact or the like applied to the load sensor 25. The seat weight is measured based on the load applied to the load sensor 25.

Application at p. 7, lines 17-15. The aforementioned excerpt from the specification clearly describes how one portion of the load applied to the seat is absorbed by the pivotal movement of the right seat rail and how another portion of the load applied to the seat is received by the load sensor. Thus, the specification offers a clear explanation how a portion of the load (e.g., the portion of the load on the right seat rail 17R) is not measured by the load sensor (e.g., sensor 25). Reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 is respectfully requested.

New claim 18

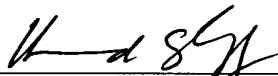
New claim 18 is allowable because none of the cited references disclose, teach or suggest an apparatus for measuring the weight of a passenger sitting on a seat wherein “wherein a second portion of the frame located remote from the load sensor is mounted to the vehicle by a mounting arrangement that permits relative movement between the vehicle and the second portion of the frame so that a portion of the weight of the passenger applied to the first portion of the frame is not transferred to the second portion of the frame.” Allowance of claim 18 is respectfully requested.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would expedite allowance of the application.

Respectfully submitted,

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